

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

June 19, 2014



Conditional Use Permit case no. CU14-07: John Blackmon

CASE DESCRIPTION: a request for approval of a Conditional Use Permit to allow the combined square footage for detached accessory structures on a single property to be up to 1,812 square feet

LOCATION: 3701 Rabbit Lane at the west corner of Rabbit Lane and Nancy Street, occupying Lots 1 and 2 in Block 4 of Woodville Acres Subdivision – Phase

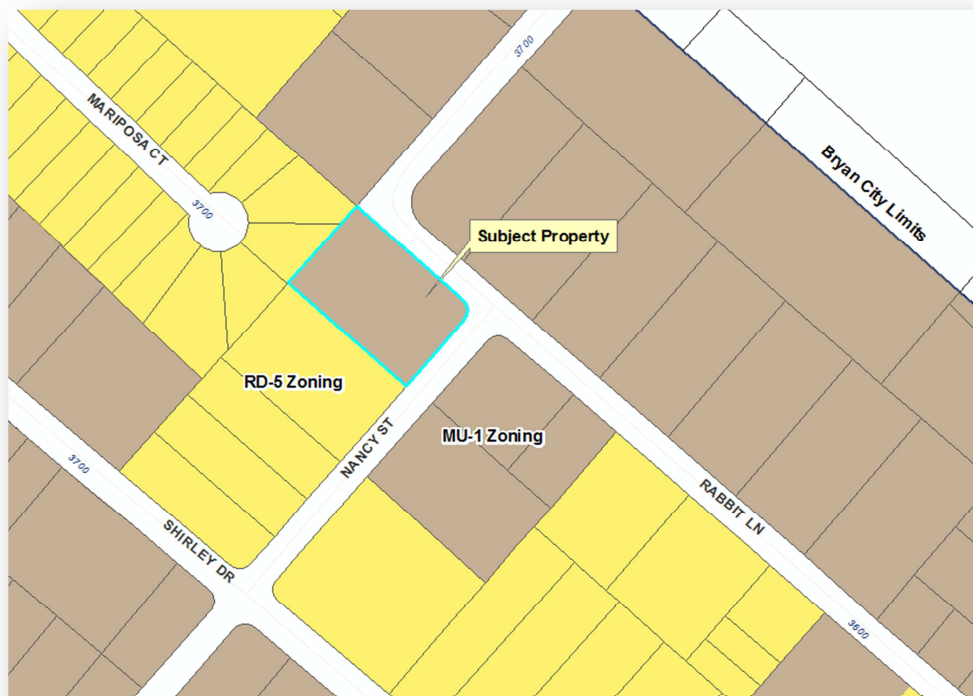
ZONING: Mixed-Use Residential District (MU-1)

EXISTING LAND USE: single-family home

APPLICANT: John Blackmon

STAFF CONTACT: Matthew Hilgemeier, Staff Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** this Conditional Use Permit request.

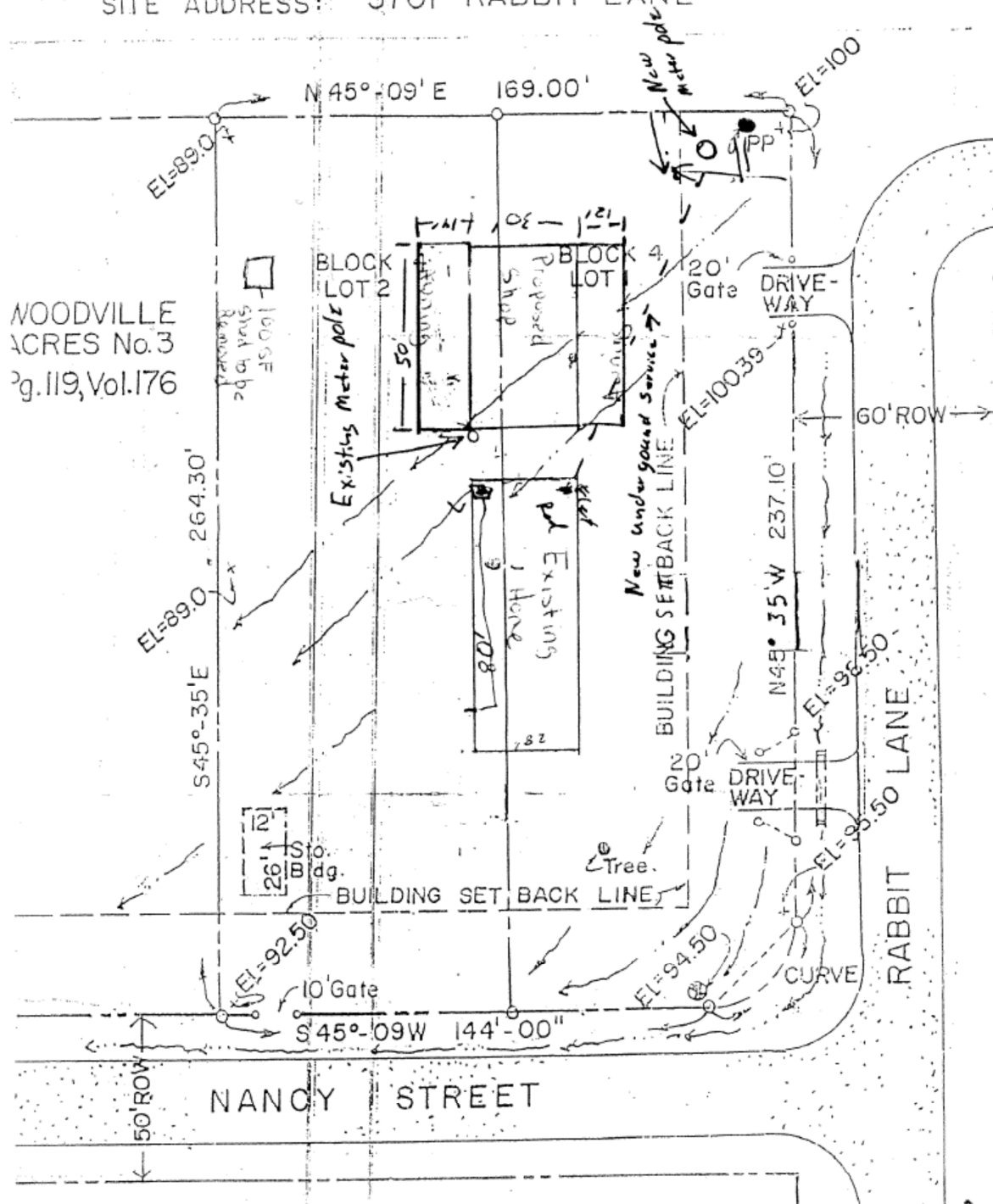






Conditional Use Permit CU14-07: John Blackmon

SITE ADDRESS: 3701 RABBIT LANE



BACKGROUND:

The subject property is comprised of two single-family residential lots that are 1.02 acres in size and zoned Mixed-Use Residential District (MU-1). Adjacent properties to the north and west are zoned Residential District – 5000 (RD-5). The property owner, Mr. Blackmon, has lived on the subject property since 1997 and wishes to construct a 1,500 square foot accessory structure on this lot. The proposed structure is to be a personal workshop and will not be designed for or placed in residential use. Currently, in addition to the 2,128 square foot single-family home, there are two accessory structures located on this lot: a 100 square foot storage shed and a 312 square foot building.

In cases where the combined square footage of accessory structures exceeds 1,500 square feet on a single property, Bryan's Zoning Ordinance requires the Planning and Zoning Commission's approval of a Conditional Use Permit (Bryan Code of Ordinances, Section 130-34(a)(4)d.). It is the plan of the applicant to remove the existing 100 square foot storage shed. If construction of the new workshop is allowed as proposed, the combined square footage for accessory structures on this lot will be 1,812 square feet. In effect, it is the applicant's proposal to retain the existing 312 foot building that results in the requirement that he seek a conditional use permit for his proposed new workshop.

The purpose of the Conditional Use Permit process is to identify those uses which might be appropriate within a zoning district but, due to either their location, function, or operation, could have a potentially harmful impact on adjacent properties or the surrounding area; and to provide for a procedure whereby such uses might be permitted by further restricting or conditioning them so as to mitigate or eliminate such adverse impacts.

ANALYSIS:

Approval of a Conditional Use Permit by the Planning and Zoning Commission shall be based upon the following criteria.

1. Whether the proposed conditional use conforms to applicable regulations and standards established by the Zoning Ordinance.

Section 130-34(a)(5) of the Zoning Ordinance requires that “accessory structures must be designed and constructed so that they are in keeping with the general architecture of the main structure, and may not exceed the height of the main structure.” In this particular case, the main structure on this lot is a 2,128 square foot manufactured home with aluminum siding that is 15 feet in height. The proposed new 1,500 square foot accessory structure is planned to be constructed of similar material and will not exceed the height of the main structure.

Staff believes that the proposed conditional use conforms to applicable regulations and standards established by the Zoning Ordinance.

2. Whether the proposed conditional use is compatible with existing or permitted uses on abutting sites, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features.

Building height, building setback and limitations on accessory building size are important tools that help prevent overcrowding of land with buildings and provide for general amenity in the development of urban land. These regulations ensure that each lot has adequate access to light and air. In residential environments, in particular, these standards encourage open space which homeowners generally expect and desire. The purpose of accessory building size limitations is

also to help maintain the fundamental character of residential districts by not having accessory buildings overwhelm the size and appearance of residences. This limitation also helps prevent the emergence of buildings inherently more suitable for commercial use, in residential districts.

The subject property is 1.02 acre in size. Zoning regulations allow up to 1,500 square feet of floor area in detached accessory structures on a single property on lots that are more than 1 acre in size. Proposed accessory building construction on this lot would exceed this limitation by 21%. A detached accessory structure with 1,188 square feet of floor area could be constructed on this property without approval of a Conditional Use Permit.

Staff believes that, in this particular case, the addition of the proposed accessory structure would not negatively impact the appearance of, access to or circulation around the subject property. Staff also finds the proposed arrangement to be compatible with the existing residential use at this location, and other nearby lots that have similar characteristics (e.g., lot and home sizes). The new structure must still comply with applicable building setbacks in this MU-1 District.

3. Whether and the extent to which the proposed conditional use potentially creates greater unfavorable effect or impacts on other existing or permitted uses on abutting sites than those which reasonably may result from the use of the site by a permitted use.

Staff contends that any greater unfavorable effects or impacts that may result from the approval of the proposed plan would in no way be mitigated should the combined area of accessory structures on the property be 312 square feet smaller, which could be installed here without prior Conditional Use Permit approval. Zoning regulations prohibit the use of detached accessory structures for commercial purposes, even permissible home occupations, in residential zoning districts.

4. Whether and the extent to which the proposed conditional use affects the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.

Staff contends that the proposed 1,500 square foot residential accessory structure at this location will not have any adverse effects on vehicular and pedestrian traffic in this vicinity, so long as it is lawfully used for residential purposes, for example, as personal workshop, as proposed by the applicant.

5. Whether and the extent to which the proposed conditional use would reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.

Any new development on this property, including a 1,500 square foot accessory structure, will be required to meet City regulations concerning erosion, flood, fire and other hazards and impacts. All of these issues will be addressed during the building permitting process for the new structure.

6. Whether and the extent to which the proposed conditional use adversely affects traffic control or adjacent properties by inappropriate location, lighting, or types of signs.

Approval of this Conditional Use Permit request would in no way increase the amount of allowable signage on this property. For example, if a permissible home occupation were to be

conducted on this property, for which no accessory structures could be used as per existing zoning regulations, then such a home occupation could be advertised only by a 1 square foot sign mounted to the front of the main home on this property. The addition of the proposed accessory structure would not change this limitation.

7. Whether and the extent to which the proposed conditional use provides adequate and convenient off-street parking and loading facilities.

Bryan's Code of Ordinances does not ordinarily require additional off-street parking spaces to be provided in conjunction with the construction of detached accessory structures. No additional off-street parking spaces are proposed to be installed as part of this request.

8. Whether the proposed conditional use conforms to the objectives and the purpose of the zoning district in which the development is proposed.

The MU-1 zoning district is intended to provide development opportunities for single-family detached dwellings and accessory uses. Staff believes that allowing up to 1,812 square feet of floor area in detached accessory buildings, in this particular case, conforms to the objectives and purpose of the MU-1 zoning district, even if similar requests were approved on adjoining properties in the vicinity.

9. Whether the proposed conditional use will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

Staff believes continued single-family residential use of this property will have no ill effects on properties or improvements in the vicinity.

10. Whether the premises or structures are suitable for the proposed conditional use.

The subject property has been in single-family residential use since before the City of Bryan adopted zoning regulations in 1989. Staff believes that due to its location in the middle of this residential neighborhood, the subject property's use for residential purposes is most desirable use in this particular case.

RECOMMENDATION:

Based on all of the aforementioned considerations, staff recommends **approving** the requested Conditional Use Permit, to allow the combined square footage for detached accessory structures on this property to be up to 1,812 square feet (1,500 new and 312 existing).